

Message Text

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ACTION L-03

INFO OCT-01 AF-10 ARA-10 EA-10 EUR-12 NEA-10 IO-13
ISO-00 USIE-00 SSO-00 INRE-00 OIC-02 NSCE-00
AID-05 CEQ-01 CIAE-00 ERDA-05 COME-00 DODE-00
EB-08 EPA-01 INR-07 NSF-01 NSAE-00 PM-05 OES-07
SS-15 SP-02 FEAE-00 INT-05 /133 W
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FM AMEMBASSY NAIROBI

TO SECSTATE WASHDC IMMEDIATE 847

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E. O. 11652: N/A

TAGS: SENV, OCON, UNEP

SUBJ: UN DESERTIFICATION CONFERENCE - INFORMAL CONSULTATIONS

REF: NAIROBI 10807, STATE 204049

1. INFORMAL CONSULTATIONS CONVENED MORNING OF AUGUST 26.
DISCUSSION OF TOPICS LISTED PARA 2, REF A, PROCEEDED WITHOUT
INCIDENT, EXCEPT AS NOTED BELOW.
2. ON DISCUSSION OF PROPOSED CHANGES TO RULES OF PROCEDURE,
PERMREP PROPOSED REWORDING OF NEW RULE 60 AS SUGGESTED PARA
2, REF B. THIS CHANGE ADOPTED WITHOUT OBJECTION.
3. ON QUESTION OF COUNCIL FOR NAMIBIA, PERMREP NOTED THAT
OMISSION OF PHRASE "AS OBSERVERS WITHOUT RIGHT TO VOTE" FROM
PROPOSED NEW RULE 50(A) SUGGESTED THAT RULE MIGHT ACCORD
VOTING RIGHTS TO REPRESENTATIVES DESIGNATED BY THE COUNCIL.
HE THEREFORE PROPOSED INCLUSUION OF PHRASE "AS OBSERVERS,
WITHOUT VOTE" AT END OF FIRST SENTENCE OF REVISED RULE.

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CHAIRMAN, AT THIS POINT, ASKED LEGAL ADVISOR (ZENO MARCELLA)
FOR RULING. MARCELLA STATED THAT LANGUAGE OF PROPOSED NEW
RULE 50(A) DID NOT MENTION RIGHT TO VOTE AND THAT COUNCIL WOULD
NOT HAVE THAT RIGHT. PERMREP THANKED LEGAL ADVISER FOR RULING
AND STATED THAT IN VIEW OF THAT INTREPRETATION HE WAS WITH-
DRAWING HIS PROPOSED AMENDMENT.

4. FOLLOWING MORNING SESSION, MARCELLA INFORMALLY TOLD PERMREP HE THOUGHT IT MIGHT BE BETTER NOT TO REFER TO QUESTION OF COUNCIL FOR NAMIBIA'S RIGHT TO VOTE IN CONFERENCE PAPER ON INFORMAL DISCUSSIONS WHICH WILL BE PRESENTED TO PLENARY. HE FEELS THAT THIS MIGHT OPEN QUESTION AGAIN AND THAT IT WOULD BE BETTER TO LET IT LIE. PERMREP FEELS THAT QUESTION HAS BEEN RAISED AND IF ANY DELEGATIONS WISH TO REOPEN IT IN PLENARY THEY WILL DO SO. THEREFORE, PERMREP WOULD PREFER TO HAVE LEGAL ADVISOR'S RULING OFFICIALLY NOTED IN CONFERENCE PAPER AND HAS SO INFORMED SECRETARIAT. IF DEPARTMENT WOULD PREFER THAT MATTER NOT BE NOTED IN CONFERENCE PAPER, PLEASE ADVISE BY IMMEDIATE CABLE.

5. REGIONAL GROUPS WILL MEET AFTERNOON AUGUST 26 TO DISCUSS NOMINATIONS FOR VICE PRESIDENCIES AND OTHER OFFICERS. PERMREP WILL PROPOSE SECRETARY JOSEPH'S NOMINATION AT THAT TIME.

6. SECRETARIAT ANTICIPATES COMPLETION OF INFORMAL CONSULTATIONS BY EVENING AUGUST 26; ANTICIPATED MEETING AUGUST 27 WILL THEREFORE NOT TAKE PLACE.

6. SINCE DRAFTING ABOVE, PERMREP HAS LEARNED FROM UK COLLEAGUE THAT COUNCIL FOR NAMIBIA HAS CABLED SECRETARIAT "DEMANDING FULL VOTING RIGHTS." IT WOULD THEREFORE SEEM ALL THE MORE ADVISABLE TO HAVE LEGAL ADVISER'S RULING OFFICIALLY LIMITED OFFICIAL USE

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